

## Proposed Board Governance Policy - School Change

References: *School Act*, s. 41, s. 47, s. 49, s. 51(2), s. 57  
*School Closure Regulations*

### 1. Policy Statement

- 1.1 The English Language School Board is committed to:
- ensuring that its students have access to quality educational programs and services;
  - maintaining healthy, safe and effective learning environments; and
  - maximizing the use of available resources.
- 1.2 The Board recognizes that the achievement of these objectives may, from time to time, require changes that will affect the interests of students, parents, and other stakeholders. Consequently, where the Board is considering making a school change, the Board will ensure that they:
- are given fair notice of any such proposed change;
  - are advised of the decision-making process that will be followed;
  - receive the information they need in order to provide meaningful input;
  - are given a reasonable opportunity to make submissions before the Board makes a decision on any such proposed change, and to have those submissions fairly considered by the Board.
- 1.3 A school change covered by this Policy may be initiated due to factors such as:
- (a) District-wide initiatives to improve student achievement;
  - (b) Declining student enrollment;
  - (c) Increasing student enrollment;
  - (d) Maximizing resources; and/or
  - (e) Opening of a new school.

### 2. Definitions

- 2.1 In this Policy and section:
- (a) “Day” means a calendar day (but excludes Days during the Christmas, March, and Summer breaks prescribed by the *School Calendar Regulations*);
  - (b) “Municipal Authority” means a municipality, community or resort municipality as defined by the *Municipalities Act*, RSPEI 1988, c M-13, that has jurisdiction in an area of the Province which will likely be affected by a school change;
  - (c) “Parent” means a “parent” as defined in section 1(r) of the *School Act*, and who has rights to information about a student under section 80 of the *School Act*;
  - (d) “Preliminary Report” means a written report prepared by the Superintendent pursuant to section 4.1 which identifies a school that:
    - (i) is currently experiencing substantial challenges in providing quality educational programs and services; or
    - (ii) will likely encounter such challenges within the next 5 years;
  - (e) “Publicly Available” means available to a member of the public at no cost:
    - (i) on the Board’s website; and
    - (ii) at the offices of the Board and likely affected schools;

- (f) “Public Notice” means a notice that is:
  - (i) posted on the Board’s website; and
  - (ii) published in a newspaper with general circulation within the area of the Province that will likely be affected by a school change;
- (g) “Resolution” means a resolution passed by a quorum of the Board of Trustees at a regular or special meeting;
- (h) “Study” means an in-depth study directed by the Board of Trustees under a Resolution made pursuant to section 4.4;
- (i) “Study Report” means a written report prepared for the Board of Trustees;
- (j) “Working Day” means an instructional day as defined in the *School Calendar Regulations*.

### **3. Application**

3.1 This Policy establishes a framework for addressing two categories of school change – a ‘Category I Change’, and a ‘Category II Change’, to a school. For the purposes of this Policy:

- (a) A Category I Change means any change in a school attendance zone, or any reconfiguration of the grades in a school, which would involve the relocation of 20 percent or less of a school’s enrolment to another school;
- (b) A Category II Change means:
  - (i) any change in school attendance zones, or reconfiguration of grades in a school, which would involve the relocation of more than 20 percent of a school’s enrolment to another school; or
  - (ii) the permanent closure of a school.

3.2 The percentage specified in s. 3.1(a) and (b) will be determined as of the date identified in a Preliminary Report prepared under Section 4.

3.3 Notwithstanding section 3.1, this Policy does not apply to the following school changes:

- (a) the Board is building a replacement school on the existing school’s site, or one that is located within the existing school’s attendance zone;
- (b) the Board is remediating, repairing, rebuilding or renovating a school, and the students must be temporarily relocated to ensure their health or safety during the renovations;
- (c) the Board is reducing the size of a school building;
- (d) a facility has been serving as a temporary school for students whose permanent school is under construction or repair;
- (e) any discontinuance of a regular, alternative, or special needs program at a particular school or relocation to another school;
- (f) a school closure that is authorized by section 1 or 8 of the *School Closure Regulations* or by any other enactment.
- (g) Any other change not identified in section 3.1.

### **4. Preliminary Review of Schools**

4.1 The Superintendent may prepare a Preliminary Report on his/her own initiative, or on direction from the Board of Trustees.

- 4.2 A Preliminary Report should include an overview of the nature of the challenges faced by each school identified in that report. They may, for example, arise from:
- (a) physical Issues – e.g. health, safety, environmental issues, or other deficiencies relating to the physical condition of a school building, site, or location which cannot be rectified, repaired or upgraded in a cost effective manner, or for which funding is or may not be available;
  - (b) program issues – e.g. a school has difficulty providing students with equitable access to appropriate educational programs or services;
  - (c) capacity issues – e.g. underutilization of, or overcrowding in, a school;
  - (d) financial issues – e.g. a school’s operating or maintenance costs are substantially higher than the average per student cost in other schools;
  - (e) demographic issues – e.g. projected increase or decrease in the population or student population in an area;
  - (f) such other issues as the Superintendent deems relevant.
- 4.3 In a Preliminary Report, the Superintendent may, for each identified school, recommend to the Board of Trustees that:
- (a) the status quo at the school be maintained;
  - (b) the status quo be maintained, but that the situation at the school be monitored; or
  - (c) a more in-depth study of the school be done, and that options for a Category I and/or Category II Change be explored.

#### **Board of Trustees’ Preliminary Report Decision**

- 4.4 The Board of Trustees may, by Resolution, accept or reject a recommendation made by the Superintendent under section 4.3, or may make such other decision as it deems appropriate.
- 4.5 If, by a Resolution made under section 4.4:
- (a) the Board of Trustees decides that only Category I Change(s) to a school(s) should be considered, the Board will follow the process outlined in Category I of this Policy;
  - (b) the Board of Trustees decides that any Category II Change to a school(s) should be considered, the Board will follow the process outlined in Category II of this Policy with respect to all changes to be considered.
- 4.6 Notwithstanding section 4.5, the Board of Trustees may decide, by Resolution, that the Category I Change or the Category II Change process will be used to consider a particular school change, except a school closure, if it deems it appropriate to do so.

## **CATEGORY I**

### **SIMPLIFIED PROCESS FOR CONSIDERING CATEGORY I SCHOOL CHANGES**

#### **Category I Study and Study Report**

- 4.7 Where a Resolution to consider a Category I Change to a school is passed under section 4.5(a), the Superintendent will conduct a Category I Study, and will prepare a Category I Study Report.
- 4.8 Upon commencement of the Category I Study, the Superintendent will prepare a consultation plan in the form set out in Appendix "A", and will communicate that plan to the stakeholders identified in that plan in the manner specified in that plan.
- 4.9 In conducting the Category I Study and preparing the Category I Study Report, the Superintendent will consider the School Review Criteria outlined in Appendix "B", if and to the extent they are relevant in the particular circumstances.
- 4.10 In a Category I Study Report, the Superintendent may recommend that:
- (a) the status quo at a school be maintained;
  - (b) the status quo be maintained, but that the situation at a school be monitored; and/or
  - (c) that a Category I Change be made to a school.
- 4.11 Upon completion of the Category I Study Report, the Superintendent will present it to the Board of Trustees at a Committee of the Whole meeting.

#### **Board of Trustees' Decision On Category I Study Report**

- 4.12 The Board of Trustees may, by Resolution, accept or reject a recommendation made by the Superintendent under section 4.10, or may make such other decision as it deems appropriate. That Resolution shall specify the effective date of any Category I Change to be made.
- 4.13 Notice of the Board of Trustees' decision under section 4.12 shall be given to all stakeholders identified in the consultation plan in accordance with that plan.

## CATEGORY II

### **DETAILED PROCESS FOR CONSIDERING CATEGORY II SCHOOL CHANGES**

#### **5. Resolution Directing Study**

- 5.1 Within 5 Working Days of the passage of a Resolution referenced in section 4.5(b), the Board will:
- (a) provide a copy of that Resolution to the principal of each likely affected school who shall, in turn, provide a copy of that Resolution as soon as practicable to:
    - (i) all staff at that school;
    - (ii) the parents of students attending that school, who have rights to information under s. 80 of the *School Act*; and
    - (iii) all adult students attending that school.
  - (b) provide a copy of that Resolution to:
    - (i) any union representing likely affected staff;
    - (ii) any First Nation Bands situated in the area of each likely affected school;
    - (iii) the appropriate student representative in each likely affected high school.
  - (c) make copies of the Resolution and information about the Category II Study Process Publicly Available.

#### **Public Notice of Resolution Directing Category II Study**

- 5.2 The Board will also give Public Notice of any Resolution made under section 4.5(b) within 10 Working Days.
- 5.3 Following a Resolution made under section 4.5(b), the Superintendent will conduct a Category II Study, and prepare a Category II Study Report.

#### **6. Conduct of the Category II Study**

- 6.1 The Superintendent may:
- (a) with the approval of the Board of Trustees, hire an outside consultant to assist in gathering of data and information, analyzing and developing options for change for consideration by the Superintendent, and in conducting the Study consultation process; and/or
  - (b) delegate some or all those duties to Board staff.
- 6.2 During the Category II Study process, the Superintendent will give affected parties a reasonable opportunity to discuss factors to be considered, their application in the particular circumstances, to exchange data and information, and to explore available options for change.
- 6.3 Consultations under this section are intended to be informal, and may be conducted orally or in writing. The Superintendent will determine the form, process, place, time and length of such consultations.
- 6.4 The Superintendent may also meet with a Municipal Authority in the area of any likely affected school.
- 6.5 The Superintendent may consult with such other persons and groups in the manner as the Superintendent considers appropriate.
- 6.6 The Superintendent will ensure that a summary of the consultations held under this section is prepared and retained.

## **7. Content of Category II Study Report**

- 7.1 Following completion of the Category II Study, the Superintendent will prepare a Category II Study Report.
- 7.2 The content of the Category II Study Report will vary depending on local conditions, and the nature and magnitude of the change being considered.
- 7.3 In preparing the Category II Study Report, the Superintendent will consider the School Review Criteria contained in Appendix "B", if and to the extent they are relevant to the particular circumstances.
- 7.4 The Category II Study Report should include a copy of the summaries mentioned in section 6.6 (except those pertaining to discussions held with principals, staff, and their unions).
- 7.5 In preparing the Category II Study Report, the Superintendent should:
- (a) consider all relevant factual and other information collected during the Study;
  - (b) take reasonable steps to verify the accuracy of the factual data being relied upon in the Category II Study Report;
  - (c) analyze all reasonably viable options for change;
  - (d) examine the implications of each such option; and
  - (e) formulate a recommendation on those options.
  - (f) develop a consultation plan that is consistent with this Policy.
- 7.6 In the Category II Study Report, the Superintendent may recommend to the Board of Trustees that:
- (a) no change be made;
  - (b) consideration be given to addressing the situation with a Category I Change, or a change that is not covered by section 3.1 of this Policy;
  - (c) the Board of Trustees proceed with public consultations on one or more of the recommended changes;
  - (d) the Board of Trustees conduct those consultations in accordance with the consultation plan outlined in the report.
- 7.7 Upon its completion, the Category II Study Report will be presented to the Board of Trustees at a Committee of the Whole meeting.

## **8. Board of Trustees' Decision on Category II Study Report**

- 8.1 Within 30 Days of the Category II Study Report's presentation to the Board of Trustees, the Board of Trustees may, by Resolution, accept or reject some or all of the recommendations made in it, or may make such decision as it considers appropriate.

## **9. Board of Trustees' Consultation on Category II Study Report**

- 9.1 A consultation plan may provide that the Board of Trustees may receive input or submissions by any means it considers appropriate including:
- (a) in writing;
  - (b) by email to a designated Board email address;
  - (c) surveys;

- (d) newsletters or handouts;
- (e) information sessions or workshops.

9.2 The Board will:

- (a) make copies of any Resolution, the consultation plan and timeline, and the Category II Study Report, Publicly Available within 5 Working Days;
- (b) within 10 working days, provide Public Notice;
  - (i) of the nature of the change(s) being considered;
  - (ii) that a public consultation process on those change(s) will be taking place;
  - (iii) that public input will be received for 60 Days;
  - (iv) of the manner in which public input will be received; and
  - (v) about how further information about the proposed change and process can be obtained.

9.3 During the public input period set out in section 9.2(b)(iii), the Board will receive and respond to any reasonable questions and reasonable requests for information that it may receive, in a timely manner.

9.4 The Board of Trustees may, as part of that public consultation process, invite a Municipal Authority to make oral and/or written submissions about the nature and extent of the impact of a proposed change on the municipality.

9.5 The Board of Trustees will also hold at least one meeting or forum which is open to all members of the public. Public Notice of that meeting or forum should be given not less than 7 Days before the meeting or forum.

## 10. Board of Trustees' Final Decision By Board on Category II Study Report

10.1 Within 60 Days of the end of the period prescribed in section 9.1 for public input, the Board of Trustees will, by Resolution, make a decision with respect to whether a change to a school should be made and, if so, the nature of the change that the Board of Trustees considers appropriate.

10.2 If, under a Resolution made pursuant to section 10.1, the Board of Trustees decides to proceed with a change to a school it:

- (a) will determine the effective date of the change; and
- (b) may make such other decision that needs to be made to implement that decision (such as relocating students to another school, and making any appropriate changes to school attendance zone boundaries).

10.3 If the Board of Trustees decides to permanently close a school, a certified copy of the Resolution will be sent to the Lieutenant Governor in Council for approval as required by the *School Closure Regulations*.

10.4 If, under a Resolution passed pursuant to section 10.1, the Board of Trustees decides not to proceed with a particular change to a school, it may make such other decision as it considers appropriate. It may, for example, defer its decision on that change for a reasonable time.

## **Notice of Board of Trustees' Final Decision on Category II Study Report**

- 10.5 Within 5 Working Days of a Resolution under this section, the Board will:
- (a) provide a copy of that Resolution to the principal of each likely affected school who shall, in turn, provide a copy of that Resolution as soon as practicable to;
    - (i) all staff at that school;
    - (ii) the parents of students attending that school;
    - (iii) all adult students attending that school.
  - (b) provide a copy of that Resolution to:
    - (i) any union representing likely affected staff;
    - (ii) any First Nation Bands situated in the area of each likely affected school;
    - (iii) the appropriate student representative in each likely affected high school;and
  - (c) make copies of that Resolution Publicly Available.
- 10.6 Within 10 Working Days of a Resolution under section 10, the Board will also give Public Notice of that Resolution.

### **11. Transition**

- 11.1 If any Resolution made by the Board of Trustees under this Policy requires the relocation of students and staff to another school, the Superintendent will immediately establish a committee which will be responsible for planning and implementing the positive transition of affected students and staff.
- 11.2 The Transition Committee will consist of the following persons:
  - (a) the Superintendent;
  - (b) two representatives of Board staff designated by the Superintendent;
  - (c) the school principal from each affected school;
  - (d) such other personnel as the Superintendent may require.
- 11.3 The Transition Committee will operate within any timelines set out in the Board of Trustees' decision and will meet as often as required.
- 11.4 The Transition Committee will report to the Superintendent, and through the Superintendent, to the Board of Trustees.

### **12. General**

- 12.1 If any procedural matter arises which is not dealt with in this Policy, the Board of Trustees may, by Resolution, determine the procedure to be followed.
- 12.2 Any notice required by this policy or a Consultation Plan and timeline may be given by mail or email to the last known address that the Board has for the recipient and, if mailed, shall be deemed to be received 5 Days after it is posted.
- 12.3 The Board of Trustees, by Resolution, may decide to extend or abridge any time period prescribed by this policy on such terms as it deems appropriate.
- 12.4 If the procedure provided for in this policy cannot proceed on schedule at any point in time for any reason, the Board of Trustees may decide to continue the process within a reasonable time, and it will not be necessary for the Board to repeat any step already taken.
- 12.5 Singular words in this Policy include the plural.
- 12.6 No proceeding under this Policy will be rendered invalid by any defect in form or technical irregularity.



# CONSULTATION PLAN

## APPENDIX "A"

**Matter:**

**Date:**

**WHO WILL BE CONSULTED?** (Key stakeholders) (Check all that apply)

**ELSB Community**

**Internal to ELSB**

**External/Other  
(please identify)**

Students

Directors

Agencies/associations

Parents/guardians

Principals and/or Vice-principals

Community groups

School council(s)

District staff

Other

Public

Other

Other

Additional Notes:

**HOW WILL STAKEHOLDERS BE MADE AWARE OF THIS CONSULTATION PROCESS?**

(Check all that apply)

Media advertisement (print and/or radio)

School newsletter

Email distribution

ELSB Website

Letter distribution

Other

School Posting

School council(s)

Additional Notes:

**HOW WILL THE CONSULTATION BE CARRIED OUT?** (Check all that apply)

- Focus groups
- Interviews
- Mail-out email
- Circulation
- Open houses / workshops
- School councils(s)
- Public meetings
- Survey / questionnaire
- Web-based notice / Web-based comments
- Other

Additional Notes:

**CONSULTATION TIMELINE:**

**TARGETED DATE FOR RECOMMENDATION/FINAL DECISION:**

PROJECTED DATE(S)	ACTIVITY/MILESTONE	NOTES**

**HOW WILL THE RESULTS OF THE CONSULTATION AND THE FINAL DECISION BE COMMUNICATED TO CONTRIBUTORS TO THE PROCESS?** (Check all that apply)

- Media Advertisement (print and/or radio)
- Email circulation
- Letter distribution
- School Posting
- School / principal communications / newsletter
- ELSB Website
- Other

Additional Notes:

**STUDY REPORT**  
**SCHOOL REVIEW FACTORS**  
**APPENDIX “B”**

Where consideration is being given to making a Category I or Category II Change to a school, the impact of the proposed change on each school and those who will likely be directly affected by any such change should be reviewed, having regard to all relevant factors and information that is reasonably available to the Board. The factors to be taken into account will differ in every case; however, the best educational interests of the students will always be a key consideration. The following is an illustrative, non-exhaustive, list of factors that may be applicable:

**EDUCATIONAL FACTORS**

1. School's ability to deliver the provincial school curriculum, programs, and services, including specialized services, and to accommodate any changes expected in those programs or services over the next 5 years;
2. Impact of the proposed change on students' educational achievement and opportunities;
3. The grade levels currently served by a school, and whether a grade reconfiguration would be appropriate;
4. Uniqueness of a school's educational program.

**DEMOGRAPHIC FACTORS**

5. Enrollment patterns over the last 5 to 10 years and projected enrollment trends over the next 5 years;
6. Population patterns over the past 5 to 10 years and projected population trends over the next 5 years;
7. Number of students enrolled in a school who live outside the school's attendance zone.

**FACILITY FACTORS**

8. School building's age, site, location, conditions, including:
  - accessibility to students with disabilities;
  - any health or safety concerns;
  - energy efficiency and environmental sustainability; and
  - the cost and funding of any renovations that are, or will be needed, in the next 5 years.
9. Number and type of rooms needed in order to deliver required school programs and services;
10. Any Board long-term capital plan;
11. Proximity of other schools and the availability of appropriate accommodation in those schools;
12. Availability and use of appropriate technology;

13. Current and potential uses of surplus space in a school for Board-related purposes.

### **FINANCIAL FACTORS**

14. Funding provided by the Department of Education.
15. Efficient use and distribution of resources available to the Board, including school administrative, teaching and other staff;
16. School operating costs, including school's cost per student compared to the average;
17. An analysis of the projected cost savings or increases associated with change.

### **TRANSPORTATION FACTORS**

18. Distance and time students spend, and will spend, in transit;
19. Traffic flow in and around a school;
20. Any increase or decrease in transportation costs.

### **PARENTAL AND COMMUNITY FACTORS**

21. Parental and community involvement in, and support of, school;
22. Impact of proposed change on parents, including parent engagement;
23. Development projects planned for the affected community which are likely to come to fruition within the next 5 to 10 years;
24. Existing community uses of school facilities;
25. Possible alternative uses of school facilities, or surplus school space, by the community;
26. Other facilities in the community available for use by the community;
27. Information submitted to the Board about:
  - (a) the economic impact of a change on the community; and
  - (b) the economic contribution the school makes to community.